IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1089 of 2005

Between:

1 Farah Kousar D/o Abdul Mannar Khan
R/o Flat No. 304, Surabhi Heavens, DD Colony,

Adikmet, Hyderabad-500 007
2 Neraj @ Arshi Raina D/o Abdul Mannar Khan
R/o Flat No. 304, Surabhi Heavens, DD Colony,

Adikmet, Hyderabad-500 007

(The 2nd petitioner being minor rep.
by her mother Smt. Zaibunnisa diversed w/o Abdul Mannar Khan

R/o Flat No. 304, Surabhi Heavens, DD Colony, Adikmet, Hyd.,

..... PETITIONERS

AND

1 Abdul Mannar Khan S/o Sri Abdul Maziz Khan
R/o Najeeb Village, Opp. Siddharath Nursing Home,

Ashok Nagar, Patancheru, Ranga Reddy District
2 State Bank of Hyderabad, rep. by its Branch Manager,

Dar-Us-Salam Branch, Dar-Us-Salam, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or Writ more particularly one in the nature of Writ of Mandamus, to directing the second respondent bank shall permit the 2nd petitioner being minor to operate the special Term Deposit Receipt No. SPL/70724311, dated 20th March, 2004 through her mother Smt. Zaibunnisa divorced wife of Abdul Mannar Khan aged about 50 years, Occupation: Lecturer, Resident of Flat No. 304, Surabhi Heavens, DD Colony, Adikmet, Hyderabad-500 007 as guardian for the minor with immediate effect and pass such other order or orders in the

circumstances of the case and in the interest of justice.

Counsel for the Petitioner : MISS.INDIRA

Counsel for the Respondent No.: MR.E.MADAN MOHAN RAO

The Court at the stage of admission made the following :

ORDER:

Heard the learned Counsel for the petitioners and perused the material on record.

On the face of it, the matter does not involve enforcement of any legal right or statutory obligation. The dispute relates to the property rights between the petitioners and their father. Hence, it is not open to the petitioners to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India to issue a Writ of Mandamus as prayed for.

Accordingly, the Writ Petition is dismissed. No costs.

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31-01-2005

RNS

To

1. The Branch Manager,

State Bank of Hyderabad

Dar-Us-Salam Branch, Dar-Us-Salam, Hyderabad

2. Two CD copies